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REMEDIAL PROJECT MANAGERS' MEETING

ENVIRONMENTAL PROTECTION AGENCY

75 Hawthorne Street, San Francisco, California

Fourth Floor

Superfund Records Center

11 APRIL 1996

ATTENDEES:

Jon Bishop, RWQCB-LA

Charles L. Buri, JPL

Mark Cutler, Foster Wheeler

Debbie Lowe, US EPA

Dan Melchior, Foster Wheeler

Penny Nakashima, DTSC

Stephen Niou, URS

B.G. Randolph, Foster Wheeler

Peter Robles, Jr., NASA

Michelle Schutz, EPA

L. R. Linn & Associates
Suite 1110
345 South Figueroa Street
Los Angeles, CA. 90071
(213) 628-7874



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Michelle Schutz, EPA

Reported by: Louise K. Mizota, CSR 2818

1 San Francisco, California

2 April 11, 1996

3 9:18 A.M.

4
5 BURIL: We took everything that we heard
6 yesterday, went back to our hotel rooms and
7 scratched ourselves across the head and beat each
8 other up a little while. I think we came up with
9 some things here that might be useful for you.

10 Let me go through what we've done, show
11 you what we've been able to accomplish, and
12 hopefully we might be able to come to consensus.

13 ROBLES: Caveat this with the computer.

14 BURIL: One thing that we want to do, though,
15 before we say this is all going to work, is that we
16 did this all by hand. Now, this particular
17 schedule, like all the schedules, were done on a
18 thing called MS Project.

19 What we want to do, basically, is just go
20 back and plug everything in that we've talked about
21 changing to make sure all our thoughts are actually
22 going to pan out. But we feel pretty confident they
23 will.

24 What we did is we went through the whole
25 schedule. We pulled out the NASA review and

1 incorporate comments portion of these and we
2 basically eliminated it, with the idea that we would
3 go ahead with concurrent review with the agencies
4 when it came time to submit the documents to NASA.
5 So we have that built in. So we got some savings
6 there.

7 ROBLES: The concurrent review will be with NASA
8 and the agencies, not with JPL or Foster Wheeler.

9 BURIL: So what we've got here, between these
10 two documents, with the risk assessment and the RI
11 report for, again, Operable Units 1 and 3, we
12 actually saved time on both of those. But because
13 they overlap as much as they do, they each lose a
14 little bit of savings. But the net savings is 45
15 working days. So about a month and a half, or
16 actually almost two months.

17 Actually, it's a little over two months.
18 20 working days is about a month. So a little over
19 two months.

20 We did the same thing here in the FS
21 report for the draft. Net saving of 35 days.

22 Now, what we did on the draft-finals is we
23 went ahead and plan to eliminate the NASA review and
24 incorporate comments, make that concurrent with the
25 agencies. However, we took that 10 days and we

1 added it to the development time. So there's
2 actually a net savings of zero here, but you'll see
3 that on here regardless. We did that with the RI
4 report and we did that with the draft-final FS. So
5 in terms of the draft-finals, there is no savings.
6 We've identified that. We have some changes in the
7 length of time.

8 When we got to the proposed plan, what we
9 tried to do --

10 SCHUTZ: I'm sorry. Could I ask a quick
11 question?

12 BURIL: Sure.

13 SCHUTZ: You added the 10 days back to the
14 development. Was it the development of the draft
15 product?

16 BURIL: No. It was the incorporate comments
17 part.

18 SCHUTZ: What were you giving yourself
19 originally on this schedule for incorporating
20 comments?

21 BURIL: It was originally 25 days. We put it up
22 to 35.

23 SCHUTZ: What does that really translate into?
24 I'm sorry. 60 -- 45 -- 50 days.

25 BURIL: That's about a month and a half.

1 LOWE: I guess I'm getting confused here, too,
2 because the time to go from draft to draft-final,
3 the time that you have to incorporate the agency
4 comments is in the FFA.

5 BURIL: Right. We're still within the 60 days.

6 SCHUTZ: You're actually cutting yourself short.

7 BURIL: We're cutting ourselves short in review
8 time and adding it on to the incorporate comments
9 time.

10 SCHUTZ: But you're not exceeding 60 days.

11 BURIL: No. If you take all these and add them
12 up for the review of -- here, let's take this one.
13 For the draft-final RI report we had 25 days
14 initially to incorporate comments and then the
15 four-step review of JPL review, incorporate JPL
16 comments, NASA review, incorporate NASA comments.
17 We got rid of the incorporate NASA comments and NASA
18 review, but we took that time and put it back into
19 the incorporate agency comments.

20 LOWE: Which is the time that Foster Wheeler
21 has.

22 BURIL: Right. So actually there's a net
23 savings of zero, but the total time when you add it
24 up is 45 working days still, which translates to
25 about 60 days. So essentially no savings there.

1 Where we really gathered some savings was
2 when we got down here in preparing the proposed
3 plan. After hearing your discussion yesterday --

4 ROBLES: Give them the number on the side.

5 BURIL: This is step number 179.

6 BISHOP: Great.

7 BURIL: What we did is we first thought let's
8 tie this to the draft-final FS. So now, rather than
9 doing this at the time of number 126, which is back
10 over here, number 126 is you receive the draft FS,
11 we have tied it to the draft-final, but we cut a lot
12 of time off of this. We've dropped this down to 15
13 days, down from 45.

14 ROBLES: What step is "this"?

15 BURIL: This is step number 179, compile data
16 and submit draft plan to JPL. So we've gone from 45
17 down to 15, a net saving of 30 days.

18 We've taken the NASA review and the
19 incorporate NASA comments and eliminated those.

20 ROBLES: I want to also stop right here to say
21 the reason why we felt that is because you gave us
22 the guidance that you're looking at a small
23 document.

24 We were looking at a proposed plan to
25 basically be a preliminary design. That's how we've

1 always viewed it. We have never viewed it as just
2 an executive summary. We have always viewed that as
3 a document that can go straight to an engineering
4 design.

5 BURIL: Or be used as a basis for engineering
6 design for bid process.

7 LOWE: No, that's not the intention of the
8 proposed plan.

9 BURIL: We understood that as of yesterday.

10 ROBLES: That was a clarification that helped us
11 to cut that. Because when you said six, we said
12 whoa.

13 BURIL: I was kind of surprised myself because I
14 said how am I going to describe everything I need to
15 to be able to get a bid out in six pages.

16 ROBLES: It's not a bid. It made it clear to us
17 that what you're looking at is that effort that go
18 into the design phase after record of decision.

19 BURIL: That's fine.

20 ROBLES: That was one of the reasons why we can
21 make such a drastic savings.

22 LOWE: As a side comment, I will get you some
23 good examples of proposed plans when you get closer
24 to that.

25 BURIL: That would be great.

1 By eliminating the NASA review process
2 here we've saved an additional 30 days between
3 incorporate and the review proper.

4 ROBLES: 182 and 183 has been eliminated.

5 BURIL: Correct.

6 Now, what we're talking about here on the
7 meeting with the agencies and the agencies' review,
8 what we're talking about here is to combine and
9 reduce. We're talking about concurrent review with
10 NASA and the agencies. We're talking about this
11 being -- what did we have here, guys? I'm having a
12 hard time reading this.

13 MELCHIOR: 15 days. I think that's what Debbie
14 said.

15 BURIL: We cut this back 15 days total,
16 basically, which is a net savings of 40 days.

17 NIOU: Which item?

18 BURIL: This is items number 185 and 186.

19 BISHOP: Which is three weeks.

20 BURIL: Which is three weeks to review the
21 proposed plan. If it's a six-page document I think
22 we should all be able to do that.

23 NIOU: 15 days. Okay.

24 LOWE: One thing I'd like to comment on is I
25 think the agency review of this document should be

1 the same as JPL's review. So right now you're
2 taking 20 days and giving us 15.

3 BURIL: No, we're taking 15.

4 LOWE: You changed that?

5 BURIL: Yes.

6 LOWE: Because here it says 20.

7 MELCHIOR: He forgot to tell you that.

8 ROBLES: We forgot to tell you that. We also
9 went down to 15 days on that.

10 LOWE: That's great.

11 BURIL: Actually, that's not on here. That's a
12 reasonable thing to say. If you want to up it to
13 20, I would rather do that because I still have a
14 lot of other processes to deal with.

15 ROBLES: What do you want?

16 BURIL: It's only a five-day difference.

17 LOWE: I keep having trouble translating between
18 working days and calendar days. So 20 --

19 BURIL: Working days is essentially a month.
20 It's four weeks.

21 ROBLES: Five working days is seven calendar
22 days.

23 LOWE: I'm not going to be picky about this.
24 Either one. I just think it should be consistent.

25 BURIL: That's fine. I'll offer up 15. I'm not

1 going to worry about it. So there's an additional
2 five days saved here.

3 We then took the incorporate agencies'
4 comments. We had 20 days. We slashed that down to
5 10. That's item number 188.

6 Now, we had the times here built in for
7 public meetings and meeting transcript preparation,
8 and so forth. We took a hard look at that based on
9 our discussion yesterday, and we decided that the
10 public meetings portion of this -- and also we went
11 back into the community relations document and found
12 that rather than having them sequential, they're
13 really required to be concurrent, which is my
14 mistake.

15 ROBLES: 192 and 194 should be concurrent.

16 BURIL: During the comment period, public
17 meetings must be held as opposed to comment period,
18 and then public meetings.

19 LOWE: Correct.

20 BURIL: So we've backed that up, and we're doing
21 those two steps simultaneously.

22 So the net effect is that line number 194
23 is eliminated and incorporated into line 192. So
24 that saves us 10 days.

25 SCHUTZ: The other thing, too, public comment

1 period, here you have 24 days. If 20 days is
2 equivalent to a month, then you should put 20 days
3 in there, not 24 days.

4 BURIL: The way things worked out here, it
5 turned out to be 24. 20 days is four weeks, so you
6 have 28 days, basically. So we've made this one
7 exactly 30 by maneuvering it because of the time
8 frames.

9 SCHUTZ: Okay. I see.

10 BURIL: The extended comment period we
11 eliminated completely. So there's a savings of 24
12 days.

13 The meeting transcript preparation, we
14 decided that 45 days was probably way more than we
15 needed, so we've cut that down to 30, with a savings
16 of 15 days.

17 When you take all these together --

18 SCHUTZ: What is that?

19 BISHOP: That's the transcripts.

20 ROBLES: Transcripts from the meetings. Any
21 time you have public meetings we want to have it
22 recorded.

23 BURIL: So when you take all that together --

24 SCHUTZ: But that pushes the schedule back?

25 BURIL: From these two things here, we had a net

1 savings of 45 days. From this here, which is in the
2 FS report and draft FS, we have a 35-day savings.

3 When we come over here in the proposed
4 plan we saved 88 days. In the public involvement we
5 saved 49.

6 When you add all that up it comes to -- I
7 forget what it was.

8 ROBLES: About 210.

9 BURIL: About 210, approximately.

10 We'd like to caveat this. We think we can
11 save anywhere between 160 to 210 days, which
12 translates roughly to eight and half to ten months,
13 approximately.

14 ROBLES: We want to put it through our computer
15 because the key is that the dates have to match.

16 BURIL: That's why I put here "to be validated."
17 We want to make sure everything lines up. The
18 computer program will do that for us.

19 ROBLES: We can send it back to you revised.

20 SCHUTZ: One thing you might consider here for
21 prepare your responsiveness summary that will go
22 right to the ROD, you have 60 days, which is
23 probably like maybe, what, two and a half months?

24 BURIL: About that.

25 SCHUTZ: If you don't have a lot of public

1 involvement you're probably not going to have a lot
2 of questions that you have to respond to. It
3 probably will not take you two and a half months to
4 sit down and write up these answers.

5 ROBLES: But if we do we're going to need that
6 time.

7 SCHUTZ: You shouldn't build it in. You
8 shouldn't pad it right now.

9 ROBLES: No. That's our schedule. That's what
10 we want. That's the point. We need to build on
11 that.

12 SCHUTZ: That may be a point where the agencies
13 will disagree.

14 ROBLES: That's fine.

15 SCHUTZ: Two and a half months is a long time
16 unless you've got a really volatile site where
17 you've got a lot of public involvement.

18 The other thing is in your responsiveness
19 summary you need to keep in mind that any questions
20 that people are asking you along the way need to be
21 included in that responsiveness summary.

22 BURIL: That's fine.

23 SCHUTZ: You need to keep track of that.

24 BURIL: We have been.

25 MELCHIOR: One thing is we don't want to get

1 hung up on this 60 days because we haven't even
2 discussed when the ROD is submitted. Since the
3 responsiveness survey goes in with the ROD, the 60
4 days may be actually a moot point.

5 SCHUTZ: It may be, but it still looks like a
6 lot of time there.

7 MELCHIOR: You're missing my point.

8 SCHUTZ: I'm not missing your point, Dan. I
9 understand that as we go along.

10 MELCHIOR: The point is that the ROD isn't due
11 for 80 days from there.

12 ROBLES: You are missing his point.

13 SCHUTZ: I'm not missing his point. But we're
14 taking this step by step. As we go along I realize
15 it may not make a difference.

16 MELCHIOR: If we change that responsiveness
17 survey to 10 days it would be a moot point because
18 it would not be submitted simultaneously with the
19 ROD.

20 LOWE: The responsiveness summary is not
21 submitted as part of the ROD?

22 BURIL: In other words, if we said it was going
23 to take 10 days, it would be sitting there until the
24 ROD was actually submitted.

25 MELCHIOR: Right.

1 BURIL: In other words, the way the thing is set
2 up right now, the ROD is not driven by the
3 responsiveness survey. The responsiveness survey is
4 a portion of the ROD that is going to be
5 incorporated at the time of ROD submittal. If ROD
6 submittal is two months after the responsiveness
7 survey is completed, I don't know what it is, just
8 to be throwing out a number, it doesn't matter how
9 long we take for the responsiveness survey because
10 it's not going to be provided until that point in
11 time anyway.

12 BISHOP: I think what Michelle is trying to get
13 at is if the meeting transcript preparations or the
14 preparations of the responsiveness summary are
15 pushing the ROD back because of that, then maybe we
16 ought to look at it. If there just was time you
17 want to schedule and they're not driving the ROD
18 back, then it doesn't matter how long you want to
19 schedule in for it.

20 BURIL: The only things that's holding back us
21 developing the ROD is the meeting transcript
22 preparation. If you take a look at this column
23 here, it stands for predecessors, this last column,
24 you see right now compile the data and develop the
25 ROD, it says 195. You go back and look at number

1 195 and it shows that when that effort is done is
2 when we begin to compile all the data. And that's
3 when we have to have all the information to be able
4 to do the public responsiveness survey.

5 Now, if you look at the bars here, here is
6 the prepare responsiveness survey here. Here is
7 where we start doing the ROD. We've already started
8 the responsiveness survey here and we haven't even
9 gotten all the transcripts done yet. So we're
10 overlapping these things.

11 So the fact that we take 60 days is really
12 not an issue because to finish the responsiveness
13 survey we have to have the document to be able to do
14 it from. That's the transcript. We've only got
15 about two weeks built in there to do that after
16 we've gotten the last transcript.

17 LOWE: Can I just ask how long it typically
18 takes to get the transcripts from these RPM
19 meetings? Is it like a contractual thing?

20 BURIL: No. It's not a contractual thing. It
21 really depends on how complex it is. The only thing
22 we demand that we get it to you guys within 10
23 working days.

24 LOWE: It seems like it wouldn't be that
25 different to -- well, I guess we have several public

1 meetings.

2 BURIL: You have four public meetings and we
3 have no idea how lengthy these things are going to
4 be. If we get 200 people in these things and we got
5 100 people standing up there for comment, we have no
6 idea. Whether that happens or not, I don't know.

7 ROBLES: I've been in public meetings that have
8 taken three days. I've been in public meetings that
9 have taken two hours.

10 BURIL: We don't know. That's an unknown.

11 ROBLES: That's our schedule. That's our time.

12 BURIL: Again, I point out we are overlapping
13 these things and we are cutting back on certain
14 areas that's going to bring that schedule and pull
15 it back. We're looking at a net savings here of as
16 much as 10 months based on trying to address some of
17 the concerns that were addressed yesterday.

18 SCHUTZ: Can I clarify something here, Chuck?
19 If I understand this correctly, if you look at line
20 199, are you saying that the meeting transcripts
21 drive when you can start the actual ROD? Is that
22 what you're saying?

23 BURIL: We're saying that we need to have the
24 meeting transcripts in our hand before we can finish
25 compiling everything for the ROD. Yes.

1 Now, we've already talked about shortening
2 that time, so we're actually going to be starting
3 the ROD sooner than we would have otherwise.

4 SCHUTZ: Right. But all this really drives is
5 the portion of the ROD that's the responsiveness
6 summary. It doesn't drive the rest of the ROD. The
7 rest of the ROD you can start towards the end of
8 your FS, basically. It's kind of a cut and paste
9 legal language, this, that, it's not anything new
10 that you're adding in the ROD.

11 BURIL: Personally, I think it's imprudent to go
12 out and start developing a ROD without knowing what
13 your public comment is going to be. If somebody
14 stands up in a public meeting and says "Like hell,
15 JPL, you aren't doing this" --

16 SCHUTZ: I understand your point. But again, I
17 will repeat what I said yesterday, is that you
18 should be and it should be in your community
19 relations plan that you're having contact with the
20 public throughout this process. If you get to this
21 point and the public stands up and says this, there
22 is going to be hell to pay for everybody on it.
23 Nobody has done their job correctly if the public --

24 ROBLES: That's incorrect and irrelevant.
25 Because my experience has shown you can have a great

1 community plan, but until people see what you're
2 going to do, that's when they get involved.

3 SCHUTZ: That's why you have public meetings.

4 ROBLES: No!

5 SCHUTZ: Excuse me. That's why you have public
6 meetings, so you can convey the process.

7 ROBLES: Not before. It's during this time that
8 we have public meetings. We've had public meetings
9 and people are not concerned until they see
10 something. That has been my experience.

11 SCHUTZ: That's why in the community relations
12 plan it's set up you have fact sheets and you have
13 public meetings.

14 ROBLES: I've been through that in three
15 different sites. No matter how much you inform the
16 public, when it comes time for their comments, they
17 will come up with everything and the kitchen sink.
18 A good relations plan doesn't mean that you're not
19 going to have public comments or that you're not
20 going to have any hard public concerns. It just
21 means that they'll be informed.

22 BURIL: I'll give you an example. We have a
23 lawyer, which I'm sure we'll be talking about today
24 later on, who is continually asking for
25 documentation even before it's done, even before

1 it's finalized. We have absolutely no idea what
2 this guy wants. We have no idea who he represents.
3 We have no idea what his ultimate purpose is going
4 to be.

5 If he or his client stands up in this
6 public meeting and raise hell, it's not because we
7 don't have a public relations program that's
8 effective. It's because there's an alternate agenda
9 out there that we have no control over. And I can't
10 imagine that we want to go ahead and ignore these
11 kind of possibilities.

12 ROBLES: We can't.

13 SCHUTZ: Well, people, too, I mean, I've been on
14 a site, on Travis there was a whole issue about a
15 B-52 going down with a nuclear warhead on it. Now,
16 had we waited until we got on ROD on that site,
17 things could have probably gotten even worse. But
18 it came out in a public meeting along the way
19 pursuant to their community relations program. So
20 we were able to resolve issues up front, not when we
21 got to the ROD on that particular site.

22 BURIL: My point, Michelle, is we aren't being
23 given the opportunity to do this at this point.
24 This individual, using him as the example, is not
25 communicating with us. He is making demands for

1 documentation which have not been made public and
2 not placed in the administrative record. We have
3 absolutely no idea what's going to happen. We don't
4 know how many people are like that out there. We've
5 already had one organization. Debbie, I hope you're
6 aware that the children's home --

7 ROBLES: Sycamore House.

8 BURIL: Sycamores has been in contact with us.
9 We don't know if this fellow represents the
10 Sycamores. We don't know if he represents Lincoln
11 Avenue. We don't know if he represents Pasadena or
12 somebody else. We have no idea what's going on out
13 there, but we've got at least two outside interested
14 parties that have got some form of concern, one of
15 which has at least been good enough to tell us what
16 they're thinking and the other has been totally
17 clandestine. We have no idea.

18 SCHUTZ: I'd be surprised if he's waiting for
19 the ROD to come out.

20 ROBLES: That's what they are waiting for.

21 BURIL: We don't know what he's waiting for. If
22 he turns around and he slaps us with an injunction
23 tomorrow. I don't know. We don't know.

24 MELCHIOR: I know three cases right off the top
25 of my head, Superfund sites that have been stopped

1 during the ROD process and stopped after the ROD
2 process by intervenors. So I think what we're
3 looking for is just a reasonable length of time to
4 incorporate those comments and reflecting the fact
5 that they may be contentious at some point in time.

6 SCHUTZ: Well, too, the agency has learned from
7 some of those experiences that you need to be out
8 there talking to the public during the process.

9 ROBLES: We know that, Michelle.

10 MELCHIOR: We were talking to the residents for
11 five years and that didn't help the process.

12 LOWE: Another point about the ROD is a lot of
13 it is, like Michelle said, cut and paste from your
14 FS. It's your site background.

15 ROBLES: I disagree. It's not a cut and paste
16 issue. There's going to be some concern. And the
17 ROD is the final document that we're all basing it
18 on. So from the standpoint NASA is going to take a
19 very hard look at that ROD, it's not going to be an
20 easy cut and paste.

21 BURIL: Is the concern here the ROD itself, or
22 is it the concern of when we start the ROD? I'm
23 confused now what the agencies' concern is. We're
24 talking about having these overlapped already.

25 LOWE: My concern is when you start it. You're

1 telling me you're not even going to start thinking
2 about what this document is going to say until after
3 the meeting transcripts are done. I think there are
4 parts of it that you can start before then.

5 BURIL: Very well. We probably could. But to
6 generate all the rest of the ROD, our schedule is
7 reflecting that the amount of time we're talking to
8 compile the data is what we need to finish
9 everything else off.

10 BISHOP: When you say compile the data for the
11 ROD, maybe if you clarify what that means, because
12 what I see is the data is in the FS. That's all
13 your data that goes into the ROD. The only other
14 piece of data is your public comment information
15 which you finished in your meeting transcripts and
16 prepare responsiveness summary. So that's already
17 done.

18 Then you're going to take another 45
19 working days to compile that data? It seems to me
20 those are the same two things, 96 and 199. Maybe
21 I'm wrong. That's what I want to know.

22 What is in your mind for 199?

23 ROBLES: What I'm looking at is the fact that
24 there may be these wild cards out there, lawyers.
25 We have Lincoln Avenue. We have the Pasadena issue

1 that has to be addressed.

2 BURIL: We have Raymond Basin Management Board.

3 ROBLES: We've got Raymond Basin Management.
4 We've got Valley Water.

5 BURIL: We've got Rubio Canyon. We've got Los
6 Flores.

7 ROBLES: We have all those concerns that will
8 come out of the public meetings and out of the
9 public comments that are going to be a tremendous
10 impact on us.

11 Yes, the technical science and all that
12 other stuff up front will be there. But that public
13 comment is the wild card.

14 MELCHIOR: Let me give you an example, Jon. One
15 of the concerns we have here is, let's say one of
16 the remedial alternatives is an extraction system
17 that has a fairly high flow rate. If I was City of
18 Pasadena, Rubio Canyon, Los Flores, I would have
19 some very significant comments about that,
20 obviously, since it would affect their rate of
21 pumpage and their ability to purvey water to their
22 customers.

23 If we were to receive significant comments
24 about that, I think we're going to need some time to
25 think about how that --

1 BISHOP: But wait a second. We both know, or at
2 least we should know, this is the kind of thing we
3 need to talk about, when we get close to the FS,
4 which is, what, in a year or so, you better be
5 talking to City of Pasadena and the water people
6 about taking water out of there. You don't want to
7 do it in your proposed plan and say "We're going to
8 pump out 10,000 gallons a minute."

9 MELCHIOR: I think that's a noble thing, and JPL
10 is well along that line in doing that.

11 The question is, as Peter has indicated,
12 and I think we're all cognizant of the fact that
13 individuals can change priorities very quickly. I
14 think we're asking for a reasonable length of time
15 to think the thing through. If we were to get wild
16 card comments, we're going to need some time to
17 think it through, and as a group we're going to need
18 some time to work it through in all the RPMs.

19 SCHUTZ: Dan, if you get wild card comments at
20 the ROD stage you're going to have to go back and
21 rewrite your FS. We're not talking about rethinking
22 your ROD. You're going to have to go back and look
23 at your FS very seriously and do a whole new
24 proposed plan and that's why really Jon's position
25 should be emphasized.

1 BURIL: Here's another scenario I want to put on
2 the table in thinking about this. There's going to
3 be conflicting agendas at the point in time we have
4 a remedial action.

5 One of the things that the Raymond Basin
6 Management Board I know is already thinking about is
7 a fairly high volume withdrawal from the JPL site.
8 Based on the conditions we have there, we're
9 probably talking 1,000, 1500, maybe 2,000 gallons a
10 minute. It's a hell of a draw.

11 Now, that's a lot of water that these guys
12 don't have to pay to pump out of the ground.
13 They've already expressed to me a keen interest in
14 us providing that water to them supposedly clean
15 enough to be able to send to their customers.

16 My understanding from talking with Peter
17 and NASA is no way in hell are we going to even
18 begin to look like a water purveyor.

19 BISHOP: Wait a second here. If we're going to
20 start talking about this, that is an adjudicated
21 basin. You've got two choices. You can pay for
22 that water or you can deliver it to a water purveyor
23 for use. Those are your choices.

24 BURIL: Why can't we reinject, Jon, and have a
25 net zero loss?

1 BISHOP: You need to talk to the water district
2 about that. If you guys are thinking about it and
3 you know you've got a conflict coming up, which you
4 say you already know you have a conflict coming up,
5 you ought to be meeting with them right now and get
6 it cleared up because that's going to shut your
7 whole project down.

8 BURIL: We've already started talking about it.

9 BISHOP: Then you've got three years now that
10 you're looking at. You should have it all worked
11 out three years from now.

12 ROBLES: No. That's assuming they want to. The
13 key is we'll say we're going to reinject. We're not
14 going to be a purveyor of water. We cannot be.

15 BISHOP: Yes, you can be. See, you've got a
16 very closed mind. All these PRPs out here in
17 adjudicated basins are being required to utilize
18 that water in some way or another because it's
19 adjudicated. I mean, this is a resource.

20 BURIL: We understand that. That's what we're
21 trying to address.

22 BISHOP: The next option there is you've got
23 those nice spreading basins right out there that you
24 may be able to work out, put those right back in
25 through there.

1 BURIL: In which case we'd end up having to pay
2 for the net loss from evaporation or anything else.
3 I don't know a way to be able to calculate that
4 reasonably and I don't know if NASA is going to be
5 willing to do that. I don't know. These are some
6 of the issues that come up through the FS,
7 obviously.

8 ROBLES: I don't believe they're going to be
9 resolved by then. We may have an impasse. Because,
10 you see, the Raymond Basin is just as closed as we
11 are.

12 BURIL: I won't say that, but nonetheless it is
13 something we don't have a good understanding of.

14 BISHOP: I think we ought to be meeting with
15 Raymond Basin at our quarterly meetings, then. If
16 they are a problem that you perceive, let's get them
17 into the process. I don't want this to be -- I
18 mean, if that's the issue that you guys foresee.

19 BURIL: It's not the only issue.

20 BISHOP: But it's one of them. Let's try and
21 get it worked out starting now.

22 BURIL: I have no problem with that.

23 BISHOP: As a group we're going to get totally
24 slammed if we get up to -- you guys spent all this
25 time preparing this and you're in a total impasse?

1 I'm sorry, I'm not prepared to be in that position
2 at that point if there's anything we can do about it
3 up front.

4 BURIL: Neither are we. But one of the things
5 we're still trying to understand, obviously, is the
6 characterization of what it is we are going to be
7 dealing with. So until we understand that fully, I
8 think personally that anything more than conceptual
9 discussion with Raymond Basin is premature. We've
10 already discussed this in concept.

11 ROBLES: Chuck goes to their meetings.

12 BURIL: Every three months at the most.

13 ROBLES: We're constantly on their mailing list.
14 They give us a call.

15 BURIL: I'm in contact with Ron Palmer at least
16 a couple times a quarter.

17 ROBLES: We have open communication with them.

18 BISHOP: Great. That's what I want to hear.

19 BURIL: I guess what I'd like to know is, again
20 going to the bottom line, what is it that you folks
21 are expecting us to do in this situation in terms of
22 the ROD?

23 We've gone round and round about the idea
24 of transcripts and so forth. I think we've got that
25 understood. We're talking about cutting that back

1 significantly.

2 We're down to the point now of saying,
3 well, you're not going to start doing the ROD until
4 the transcripts are done. We've already talked
5 about shortening the length of time to generate the
6 transcripts and shortening the time to actually
7 begin the development of the ROD, and so forth, and
8 the proposed plan. I mean, we've got a pretty
9 significant savings in the proposed plan itself.

10 What more do you want?

11 BISHOP: We're going through these line by line
12 and we're giving you comments on what we think seems
13 to be a long period of time. What we're looking at
14 is, as of yesterday, you had a two-year point,
15 essentially, from the FS to the ROD. So we said
16 that is totally ridiculous, in our opinion.

17 So you started to bring it down, and then
18 we're going through and telling you where we think
19 there may be overlapping times.

20 BURIL: Okay.

21 BISHOP: In my opinion, and you don't agree so
22 we'll have to move beyond that, is that the prepare
23 responsiveness summary and the compile all data and
24 develop the ROD are essentially the same thing.
25 You've got 105 working days, which is, what, almost

1 six months.

2 BURIL: Hold on, Jon. One thing I want to point
3 out. I'll show it to you up here in the graph.
4 Take a look up here.

5 Compile the data for the ROD and the
6 responsiveness survey, you come out here and look at
7 where those things are.

8 BISHOP: Great.

9 BURIL: These overlap.

10 BISHOP: That's what I was just trying to point
11 out. I don't have that front of me here.

12 BURIL: Yes, you do. If you look at the dates,
13 it's there.

14 ROBLES: He can't see it on the bar chart.

15 BISHOP: That's exactly what I mean. If those
16 are not driving it, then they're overlapping and
17 then they're not a problem. That's what we were
18 trying to say before. If they're not the ones that
19 are driving the process, you can actually say
20 everything that goes with the ROD goes right up to
21 there, if that's what you wanted to put on your
22 schedule.

23 BURIL: That's basically what we're coming to.

24 LOWE: So this line 199 where you start
25 compiling all the data to develop to the ROD, does

1 that mean that your contractor cannot start working
2 on that ROD until that date? I mean, is there a CWO
3 or something that comes out?

4 BURIL: I think one of the things that may be
5 kind of nebulous here, it's difficult to look that
6 far into the future at this point. I think one of
7 the things, as Jon pointed out, we're going to have
8 a lot of this already developed, but we don't know
9 how it's all going to come together. We don't know
10 what kind of things we're going to have in terms of
11 public comments. There are a lot of unknowns, a lot
12 of melding together that are going to come together
13 during this time frame.

14 But we have a lot of this data already
15 generated so we have started working on the ROD.
16 It's not something we're calling specifically the
17 ROD. It's just that this is the time frame that
18 we're talking about that's the catchall.
19 Everything else that needs to be done is being done
20 at this point in time.

21 ROBLES: I think, Chuck, it's basically not
22 compile the data. I think Debbie has a point. It's
23 complete the data.

24 BURIL: If it's a question of semantics, that's
25 fine.

1 ROBLES: It's not compiling. The data is
2 compiled before. It is completing the data.

3 BURIL: My inference in terms of the word
4 "compile" is we have all these things out there.
5 It's already been developed. Now we can start
6 pulling these things together. When we have all of
7 the pieces of information that need to be dealt with
8 in terms of the ROD, then we can pull all that
9 together.

10 ROBLES: I think maybe that's the issue. We're
11 going to be starting before.

12 BURIL: There are many pieces that go to that
13 that will already be developed, but they won't be
14 pulled together in the format of a ROD.

15 LOWE: So what we're really looking at, and I
16 guess these dates are all kind of moved up. You're
17 just using these -- it's a draft of how long it is.

18 BURIL: Just looking at the block of time.

19 LOWE: If you get your public comments --

20 BURIL: We'll get our transcripts much earlier
21 now. So that's moved up the entire ROD schedule.

22 LOWE: But that's not tied to when you start
23 your responsiveness summary. If you get all your
24 comments on 5/11, then we would get a draft ROD
25 11/23, since we're cutting out this NASA review

1 time?

2 ROBLES: No. All of the concurrent reviews are
3 with the agencies except when we get to ROD. I
4 called up my folks. The ROD is the only document
5 that NASA headquarters wants to see. They don't
6 want to see anything else. They basically want to
7 look at the ROD. That's what they want to work on.
8 Every other document they said "We go with the
9 current, it's your call." So basically, I have that
10 call and I will work with the agencies on that. So
11 it's not a problem.

12 But the ROD is the definitive document
13 that the general counsel's office at NASA
14 headquarters wants to see.

15 SCHUTZ: That makes sense. I mean, we have our
16 attorneys that are very much involved in the effort.

17 ROBLES: They don't want to see any document,
18 because all of it is concept, until the ROD. They
19 said they're really looking at the public comment
20 issues because they want to make sure it's
21 addressed.

22 LOWE: So to go from end of comment period to
23 draft ROD to the agencies is from 5/12 to 12/7. Is
24 that seven months? That's seven months.

25 BURIL: That's correct. Yes. That's correct.

1 That's what we have there.

2 I think what you've got there, Debbie, is
3 one of the areas where the concurrent review, based
4 on this being, quote, the final document, this is an
5 area where the concurrent review from Cal Tech's
6 perspective and from what Peter said NASA's
7 perspective is, simply can't be done.

8 BISHOP: We understand that.

9 LOWE: To run through this ROD section really
10 quickly, then we can still talk about other issues
11 people have on the ROD, NASA would still want to
12 have their own review of the draft-final ROD?

13 ROBLES: The draft-final, basically, unless
14 there are major changes in it, it should be a done
15 deal for us. That's where our concern was. Again,
16 they stated that with the site as it is, and it's
17 premature right now, they want to see that there.
18 That could go away. But they wanted that time in
19 there. Because if there is a contention between the
20 agencies and NASA, they want to look at it.

21 LOWE: So you do want to keep in lines 214 and
22 215.

23 BURIL: Yes. All the other ones are gone.

24 BISHOP: You also want 202 and 203. Right?

25 MELCHIOR: Yes.

1 BURIL: For the draft ROD? Yes. For the ROD,
2 yes.

3 LOWE: What we're looking at is, you know, to go
4 from end of comment period to draft ROD to the
5 agencies is seven months and to go from end of
6 comment period to a signed ROD is a full year.

7 BURIL: Now, when you say goes to final ROD,
8 there's one part of that that I question why we
9 incorporate it, and that is you've got a 30-day
10 period in there that is mandatory that it goes to
11 the agencies and if you don't comment, then it goes
12 final automatic. So there's a time frame there that
13 I don't think we should be looking at. That's a
14 mandatory time frame.

15 SCHUTZ: That's the draft-final stage?

16 BURIL: That's the draft-final stage.

17 SCHUTZ: That's also the stage where it sounds
18 like they want it to go back to NASA headquarters.
19 They're probably going to want that 30 days in there
20 as well.

21 MELCHIOR: There's only 10 days in there for
22 NASA review of the draft-final.

23 ROBLES: We only have 10 days.

24 CUTLER: Actually, it's five days.

25 MELCHIOR: Actually five days, and then five

1 days to respond to their comments.

2 SCHUTZ: The agencies may give you a heads up
3 within that 30 days and say everything is okay or
4 they invoke dispute within 30 days.

5 BURIL: If you folks want to sign off on it
6 saying this can go final.

7 MELCHIOR: I don't think they would go for that.

8 BURIL: I don't think they would go for that
9 either.

10 BISHOP: There's 30 days out of a year that EPA
11 is asking for.

12 BURIL: There's no question. We don't want to
13 take it away. We're just saying if you're looking
14 at that time frame of a year as being an issue,
15 there's a part of that we shouldn't be considering,
16 and that's the EPA review time.

17 MELCHIOR: We've also got 55 days of agency
18 review of the ROD and meetings of the draft ROD. So
19 that's really nearly three months.

20 SCHUTZ: Seven months that NASA and JPL have
21 working with it up front between reviews and
22 comments. We're talking about 30 and 55 days versus
23 seven months of up-front NASA/JPL stuff.

24 BURIL: Where is the seven months coming from,
25 Michelle?

1 SCHUTZ: From 5/12 to the draft coming to the
2 agencies.

3 BURIL: Wait a minute. Wait a minute. I want
4 to be sure we recognize something here.

5 Taking it from 5/12, based on the current
6 schedule, is not a prudent thing. We need to talk
7 about taking it from the end of whatever time frame
8 that is, not the beginning. Because we don't have
9 transcripts. We may understand what all the
10 comments are as far as hearing them, but we don't
11 have the written word in front of us to be able to
12 be sure we understand what's going on. We've cut
13 that back from 45 to 30, so we've saved half a month
14 or about three weeks.

15 So you've got that 30-day period for the
16 agencies, which you need. I'm looking up at 195 is
17 when we should start thinking about this process
18 actually taking place.

19 We're talking about getting going in mid
20 June as opposed to mid July.

21 Just because we've completed the meetings
22 doesn't mean we've got all the understanding that we
23 need. We have to have some time to get these
24 transcripts and look at them. Now, that's part of
25 the responsiveness survey. I disagree with the idea

1 of taking it from the point in time where we start
2 developing the transcripts. I think at the end of
3 the transcripts is more reasonable.

4 LOWE: So we're really talking finishing the
5 transcripts around 7/1?

6 BURIL: It would be around the end of June,
7 beginning of July. Right.

8 LOWE: So 6/25 or something like that.

9 BURIL: Yes, somewhere in there, without being
10 able to calculate it here.

11 LOWE: So we're talking nearly three months from
12 when you have the transcripts in hand to when Foster
13 Wheeler finishes the draft ROD for JPL's review.

14 MELCHIOR: You're playing both ends against the
15 middle here. You've reduced the time, but we
16 haven't changed the start time yet. The start time
17 would be shifted back as well.

18 BURIL: If you look at the actual time frame
19 that's there, that hasn't changed. But the time
20 when it starts is going to move back.

21 MELCHIOR: According to when the transcripts are
22 completed.

23 BURIL: The actual number of days is 45. From
24 the point in time that we actually complete the
25 meeting transcripts. So there's two months from

1 when we actually have all the information from the
2 public meetings that we take to generate this thing.

3 CUTLER: Because that 15 days got added back in.

4 BURIL: I encourage you to take a look at these
5 predecessors because that gives you the key.

6 Without having the Gant chart, I know this is
7 difficult to see. I couldn't reduce this any better
8 and make it any more legible than what it is now.
9 That's why this predecessor column is there, so that
10 you can see when we start things. The predecessor
11 column is identified as a task beginning after the
12 one that's identified in the predecessor column is
13 done.

14 So we would begin that 45-day period after
15 we've gotten all of our meeting transcripts done.
16 We've talked about shortening that by close to a
17 month. So this whole time is going to move up.

18 SCHUTZ: Can you maybe go back through, since
19 you've kind of massaged this last night, when your
20 draft RI is coming in, when your draft FS is coming
21 and when your draft ROD is coming? Can you just
22 give us those new dates?

23 BURIL: No, I can't. That's part of the
24 problem. I need to run that through the computer.

25 ROBLES: What we'd like to do is be able to go

1 back and redo this whole thing and send it to you
2 guys.

3 BURIL: Moving the times, cutting them down,
4 getting everything, eliminating tasks, all those
5 things, let the computer tell us what's going on.
6 Because I could spend a week doing this and maybe
7 not get it right. I'll spend two days on it with
8 the computer and start getting some information that
9 I can use.

10 SCHUTZ: Okay.

11 BISHOP: That's reasonable.

12 LOWE: Did the community relations plan say that
13 there needed to be four community meetings?

14 BURIL: We're planning on four meetings. The
15 four meetings are one with the JPL organization
16 itself because we have a lot of people that live in
17 the area but are not directly affected because
18 they're outside of our radius of one mile.

19 We have Pasadena, Altadena,
20 La Canada-Flintridge.

21 ROBLES: Altadena and Pasadena technically are
22 environmental justice sites. That's why we have to
23 include them. If it wasn't, we would have one mass
24 meeting. But Pasadena is primary and Altadena and
25 Flintridge-La Canada.

1 BURIL: To be completely honest, I don't believe
2 we call out in the public relations plan exactly who
3 we're meeting with, just that we'll be conducting
4 public meetings with the surrounding communities.
5 Those are our surrounding communities.

6 SCHUTZ: You're thinking because there could be
7 environmental justice issues that you need to break
8 them out into smaller meetings?

9 BURIL: Exactly.

10 ROBLES: Right. The way the executive order
11 calls for environmental justice is strange.
12 Altadena is mostly black and Hispanic.

13 BURIL: Part of Pasadena that's affected is
14 principally black.

15 ROBLES: Flintridge-La Canada has a lot of rich
16 homes, Asian population, but the problem is that the
17 housing value is an indicator of an environmental
18 justice. So we have 100- and \$200,000 homes that in
19 a million dollar home area make it environmental
20 justice because they're lower income. That is one
21 of the problems.

22 NASA has required us to do an
23 environmental justice implementation plan. One of
24 the precursors is not just race or disadvantage or
25 income, but also it's the demographics of the

1 housing.

2 BISHOP: Those houses right up there that
3 overlook JPL are huge and they're quite nice. I was
4 looking for a place to live, actually.

5 ROBLES: But in the middle of Flintridge-La
6 Canada, you have some 100- and \$200,000 and \$300,000
7 homes that are at the lower end of the scale.
8 Because of that section, we have an environmental
9 justice issue with Flintridge-La Canada.

10 BISHOP: The ones over in Altadena that overlook
11 JPL are actually the very nicest homes of the
12 Altadena area.

13 ROBLES: That's exactly right.

14 BURIL: Those are million-plus dollar homes.

15 ROBLES: Exactly. But because we have this we
16 had to address this, and that's why we have four
17 public meetings to do that.

18 BURIL: We're doing that whole series of
19 meetings in a span of two weeks. So we're talking
20 about two meetings a week, which is going to
21 probably kill me.

22 ROBLES: The other thing is that if we had one
23 mass meeting, we would make a lot of people angry,
24 because Flintridge-La Canada does not recognize
25 Pasadena. Pasadena does not recognize Altadena.

1 BURIL: And none of them like talking to JPL
2 because we're the bad guys in this situation.

3 SCHUTZ: You might consider, I don't know if you
4 want to talk directly to our community relations
5 people, but they deal so much in that whole L.A.
6 basin.

7 BURIL: We will probably be talking to -- what
8 is her name?

9 SCHUTZ: Actually, Dorothy is not on it anymore.

10 BURIL: When we get to that point, we will want
11 to be talking with her. What experiences you folks
12 have will be very valuable to us.

13 SCHUTZ: I'm sure you guys have experience with
14 it as well.

15 BURIL: I have a good friend that works at
16 Lockheed. She related the horror story of her
17 public meeting and we started talking about the SVE
18 system and all the things that were going on there.

19 NAKASHIMA: That was a different case, though.
20 They weren't informing the public of what was going
21 on until it got to that stage. That's why it was a
22 total mess.

23 BURIL: She was telling me that. That's why
24 I've got the horror idea of not getting to the
25 public, which is why we have a full series of fact

1 sheets.

2 ROBLES: Just to give you an example, when we
3 had to put one of the wells in Altadena, we had to
4 put it in a black Seventh-Day Adventist church. I
5 happen to know the pastor because he knows my
6 pastor. I go to an African American church. The
7 whole issue was how they could get a free parking
8 lot out of JPL. That's what they want.

9 BURIL: Typical. You'd expect anyone to do
10 that.

11 ROBLES: The parking lot was in a mess. We only
12 wanted to take a corner. They wanted a free parking
13 lot. If we couldn't do that, they wanted us to buy
14 property across the street for them.

15 SCHUTZ: That's not uncommon when you want to
16 start putting wells in. I've heard of much worse
17 cases where this guy wanted Travis to buy hundreds
18 and hundreds of acres in order to put two wells on.
19 This is not unusual.

20 BURIL: We've seen it all.

21 ROBLES: So we know we're going to get a lot of
22 these questions asked, and so on, that we have to
23 deal with.

24 BURIL: One of the things that might come up,
25 and I don't know if it will, but going back to an

1 example in the ROD. Let's say, for example, we need
2 to put a treatment system in Oak Grove Park. God
3 help us. We would have to go in and take public
4 lands being used for the greater community good and
5 build something that's treating hazardous waste.

6 BISHOP: Why are you thinking you're going to
7 need to do that? You have data that shows you've
8 got 20 parts per billion. If your data totally
9 changes in the next year we probably have to throw
10 the whole thing out the window anyway.

11 BURIL: I'm just giving that as an example.

12 BISHOP: If you find you got radioactive waste
13 coming out of there, or something. That's just the
14 same kind of thing you're talking about. You're
15 talking about the same thing that is a totally
16 irrelevant piece of information, Chuck. We already
17 have years of data. We're trying to refine it.

18 But you're right.

19 ROBLES: We'll take this back and punch it
20 through our computers and send you a copy.

21 BURIL: Is there anything else in this area? I
22 haven't heard resolution to the ROD issue. I'd like
23 to understand if we're still going to be at a point
24 of contention on that.

25 BISHOP: I talked last night to one of the other

1 RPMs just to get an idea what they're looking for
2 from other groundwater cleanup sites from the time
3 the FS comes out to the ROD. They're looking about
4 seven months.

5 MELCHIOR: What site is this?

6 BISHOP: This is La Puente.

7 SCHUTZ: This is also what Greg reiterated
8 yesterday. The agencies are looking at about a
9 six-month time frame there.

10 BISHOP: I'm not necessarily saying --

11 BURIL: Is that to final ROD, or is that to
12 submission of draft? Because if you're talking
13 about going final, then you're talking about five
14 months, because you've got a 30-day mandatory review
15 on the part of the agencies at final. If you're
16 talking about starting there, then you're talking
17 about shrinking it still because there's a mandatory
18 review time on the draft.

19 ROBLES: See, that has been my experience. The
20 fastest I've ever gone is five months, to as long as
21 twelve months, on sites that I've worked on before.

22 BISHOP: So from five to twelve months. The
23 thing to think about is this is kind of -- when
24 Debbie takes this back or you turn it in, this is
25 not just going to be her review or my review.

1 You're going to say, "Oh, wait. We require from
2 other sites that they do it in a much less time
3 frame. Have them look at that."

4 So just be keeping that in mind when
5 you're doing this, that if you've got still a year
6 or 14 months in there from FS to draft ROD at that
7 time, then it's probably going to get questioned.

8 BURIL: I appreciate that data. That helps.
9 You're talking about from draft FS to --

10 MELCHIOR: Final FS?

11 BISHOP: I think it's final FS to draft ROD.

12 BURIL: Final FS to draft ROD.

13 MELCHIOR: It can't be draft FS to ROD.

14 BURIL: Thank you.

15 ROBLES: Final FS to draft ROD has taken me five
16 to twelve months. That has been my experience.

17 BURIL: Are you talking about from the end of
18 the time that you have the draft ROD or when it's
19 submitted to you? I just want to understand,
20 because there's a time lag in there.

21 Let's take a look. It might be easier to
22 look at if I look on here. Here is the draft-final
23 RI, draft-final FS.

24 SCHUTZ: Jon, it should be when the draft-final
25 FS is submitted to the agencies, because that 30

1 days is just to make sure our comments were
2 incorporated. By then the issues should have been
3 ironed out. If they haven't been there's going to
4 be a lot more serious problems.

5 BURIL: Here is the goal right here. That's
6 line 163. There's the date for submission right
7 there.

8 BISHOP: So that's 9/18. And submission of
9 draft ROD is? So there's almost two years.

10 BURIL: No. Here it is. 12/7/99.

11 BISHOP: So you've got 16 months.

12 You might want to look at that.

13 BURIL: We've pulled out here --

14 BISHOP: It may be once you pull that stuff out
15 it shrinks it down.

16 BURIL: Hopefully this will make you folks feel
17 a little more comfortable. Here is 129 days pulled
18 out of this process right here; 129 working days.
19 That's close to six months right there, out of a
20 16-month period. So we're already down to nine or
21 ten months.

22 BISHOP: So that's probably within the ballpark.

23 BURIL: Let's pull it out for you and show it to
24 you. I think that would be the best.

25 Now, we haven't talked about Operable Unit

1 2, but I think that we're probably talking about
2 exactly the same kind of considerations there.

3 Now, I don't know that we'll have as
4 dramatic a time change because there is one document
5 that we don't have in OU-2 that we have in OUs-1 and
6 3 and that's the risk assessment. So we won't save
7 that NASA review time there. That portion will not
8 be saved.

9 LOWE: You're saying OU-2 doesn't have a risk
10 assessment?

11 BURIL: I'm saying it doesn't have a separate
12 document as a submittal so there is not a separate
13 review time for that.

14 LOWE: So risk assessment is part of the RI.

15 BURIL: It's combined into the RI. Because we
16 anticipate that one being much more simplistic.

17 BISHOP: We've discussed all the kind of things
18 where we saw places that we think there might be
19 savings. You guys have looked at it. I don't think
20 we need to go line by line.

21 BURIL: Now I think the easiest thing is to just
22 go ahead and make these changes, show you the new
23 schedules, show you the new dates, and then on that
24 basis we can go from there.

25 Let me be sure everyone realizes one

1 thing. When you go back to the beginning of the
2 schedules and you see the contractual stuff and the
3 addenda and so forth, we've already started and
4 we're going to continue going as though everything
5 is fine. It shows here that the schedule and costs
6 and so forth are supposed to be done in February.
7 That's not critical because I think we all
8 understand the scope. We all agree to the scope.
9 It's just a matter of how we're going to state it.
10 That can continue right up to the point where we
11 have to get approval for the addenda. That's not
12 coming up here for a little bit, but it's coming
13 close.

14 CUTLER: Draft addenda need to be to the agency
15 by May 10th, I believe it is.

16 MELCHIOR: According to that schedule.

17 BURIL: According to this schedule.

18 CUTLER: That hasn't changed.

19 BURIL: That's at the very beginning.

20 BISHOP: That's Operable Unit 2. Right?

21 BURIL: That's all of them. Every one of them.
22 You folks will get all the addenda, as it stands
23 right now, on May 9th. That's our schedule. That's
24 something we're not planning on changing at this
25 point.

1 MELCHIOR: We hope.

2 BURIL: Yes, we hope.

3 RANDOLPH: The schedule is dependent upon that
4 being included in there.

5 CUTLER: Because it goes into the work plan at
6 that time; the revised schedule.

7 BURIL: We can work through that as we get to
8 it. If we slip this schedule, we can make it up in
9 other places, I'm sure. I'm not anticipating this
10 is going to drag out a great deal. I think once you
11 actually have a chance to see the new schedule,
12 there's a tremendous compression in that back half,
13 as we discussed yesterday; a tremendous compression.

14 BISHOP: Great. I really appreciate you guys
15 getting back to NASA about that overlapping review.
16 I think that's going to help everyone.

17 LOWE: I think so, too.

18 SCHUTZ: You were saying these schedules needed
19 to be included in the work plan addenda? Is that
20 what you said?

21 BURIL: We want to include them.

22 SCHUTZ: I wouldn't let the schedule slip just
23 if you don't have this completed in order to do
24 that.

25 BURIL: We'll do the best we can.

1 SCHUTZ: The important thing is the schedules
2 belong in the Appendix A of the FFA. That's where
3 they really belong. Whether you put them in the
4 work plan or not is not a requirement. So I
5 wouldn't slip this for that.

6 ROBLES: That's a good point.

7 SCHUTZ: Because it could take you a while to
8 negotiate your schedules.

9 BURIL: Anything else that we need to discuss on
10 schedule, then?

11 LOWE: Why don't we break for a few minutes and
12 let us talk. If there's any other issues, we'll
13 bring them up. If not, we can move on to the other
14 items.

15 (A recess was taken from
16 10:15 A.M. to 10:39 A.M.)

17 ROBLES: Who wants to give us the bad news?
18 What's the diagnosis?

19 LOWE: I think that we are anxious to see how
20 these dates shape out once you guys redo the charts.
21 I don't think there's any specific other lines that
22 we want to discuss today.

23 BURIL: Okay.

24 LOWE: The only thing is that I think you heard
25 Julie say the other day she would really like to see

1 some work being done at JPL, some cleanup work being
2 done soon. So we would like you to seriously
3 consider how doing a removal action -- and I realize
4 that we can't start that right now because we want
5 to see what's going to happen when you put in those
6 other soil vapor wells.

7 Assuming that you find something and that
8 we all make a decision that yes, we want to do
9 source removal here, this is a continuing source, we
10 don't want it to continue feeding the groundwater
11 until we can design something in 2004.

12 BURIL: Sure.

13 LOWE: We want some assurances that your
14 contractual mechanisms aren't going to take like
15 five years from when we get the data.

16 BISHOP: Or two years.

17 BURIL: Oh, no, no. I don't think that would be
18 a problem.

19 LOWE: If there's any way you can discuss that
20 in a letter to us how you would implement that
21 quickly after getting RI data.

22 BISHOP: What our concern is after yesterday,
23 one thing you said is that if you had to go out and
24 do a new contract, it would be 18 months.

25 ROBLES: Yes. Writing a new contract. That's

1 right.

2 BISHOP: If we were going to wait until we get
3 the data back from OU-2 in about a year from now and
4 then you're going out to contract for 18 months and
5 then start the planning process for removal, you're
6 still talking four years down the road to do that.

7 ROBLES: You would like to see in a letter if we
8 decided collectively to do an interim removal or an
9 emergency removal or an EECA or any work, how that
10 would be done. So you want that for your records.

11 LOWE: Yes, and how long it would take to
12 implement that. I think having that information --

13 ROBLES: That's a good point.

14 BURIL: It is. I'm just trying to think how I'm
15 going to approach that.

16 LOWE: Having that information will help us to
17 sell these long schedules.

18 BURIL: Sure. That's understandable.

19 ROBLES: More importantly is also maybe we need
20 to look at a review. Because one of the things I've
21 been thinking about, and I've talked with Doe, our
22 contracting officer, is in an emergency case there
23 are provisions in the contract. We've never invoked
24 those for any issue. I have this gut feeling I need
25 to talk to Tom Sauret, our alternate procurement

1 officer.

2 BURIL: He may need to talk with Daryal Gant and
3 Duane Batenhorst to make this happen.

4 ROBLES: To get a waiver from the procurement
5 possibilities for emergency conditions.

6 BURIL: There's a JPL issue there, too, that we
7 need to discuss.

8 ROBLES: Sure. I know that. But the key is I
9 think it's only fair they have something in writing.
10 Because if they're going to sell a long schedule --

11 BURIL: You need selling points.

12 ROBLES: The selling point is if there is an
13 emergency we will respond in a timely manner. We
14 need to really review the process for emergency
15 action anyway. That's something we've needed to do
16 anyway.

17 Yes. Okay.

18 BURIL: That's fair. We'll look into that.

19 ROBLES: That's fair.

20 BURIL: Let me ask you a question, though. In
21 the scenario that we actually do go to in EECA or
22 something of that nature, would we then be amending
23 the existing schedule that we're negotiating today?
24 Would we put an addendum to that schedule?

25 BISHOP: That's a totally different --

1 BURIL: It's a totally different beast.

2 BISHOP: You would still be going through the
3 RI/FS process on that. The only thing that would
4 happen when you got to your --

5 ROBLES: Line item.

6 BISHOP: -- final you would say you already
7 implemented it.

8 BURIL: So you would have a parallel schedule
9 with the process we're already discussing.

10 LOWE: Correct.

11 BURIL: That's fine.

12 ROBLES: The fact is, I just take my experience
13 from Edwards, which is when they do a removal they
14 just add it into the feasibility or into the
15 response. It's shown in the document this is the
16 work they've done. In fact, this is like at JPL
17 Edwards. We're doing interim removals through REQA.

18 BURIL: Would there necessarily be a
19 modification of the documents that we currently have
20 in place to address an EECA?

21 You shake your head yes.

22 LOWE: Wait.

23 BISHOP: You mean the work plan?

24 BURIL: The work plan and everything. Would
25 there be anything?

1 MELCHIOR: The feasibility study.

2 BISHOP: The feasibility study would then show
3 you've done this and that's part of your existing
4 conditions.

5 BURIL: I have a contractual mechanism that I
6 can make this happen very quickly if the answer is
7 yes, that there is a potential for modifying the
8 existing documents. Remember what we discussed
9 earlier?

10 ROBLES: Yes.

11 BURIL: What I described yesterday. If it's
12 not, it becomes a brand new bid issue.

13 ROBLES: Whatever we need to call it to make it
14 happen is what has to be done.

15 LOWE: Rather than putting out a separate
16 document as an EECA you would rather modify existing
17 documents?

18 BURIL: That's purely for the sake of
19 contractual convenience. That's all it would be
20 for.

21 ROBLES: Let me suggest this. Experience has
22 been and, Dan, you can jump in this as well, when
23 you --

24 BURIL: Hold on. Let's take this off the
25 record.

1 (Discussion held outside the record
2 from 10:45 A.M. to 10:50 A.M.)

3 ROBLES: Let's summarize, then.

4 BURIL: So from what I've heard, then, we are
5 going to take the changes that we've identified for
6 you. We're going to go ahead, put those into place,
7 give the new schedule back to you for you to look
8 at. I will make the commitment that we will have it
9 to you three weeks from tomorrow. That gives us
10 time to go internally for review, be sure everything
11 is right. NASA headquarters has got to get involved
12 on this, I think. We've got a lot of things. We
13 just want to be sure we cross all the "t"s and dot
14 all the "i"s.

15 ROBLES: You also should understand that once
16 you get it, we hope that it's approved, but there
17 may be some fine tuning. What we're looking at
18 right now is we've negotiated a schedule in gross
19 determinations and everything else.

20 BISHOP: Right.

21 BURIL: In concept I think we have understanding
22 and concurrence on a lot of it, but details need to
23 be finished.

24 ROBLES: Right.

25 MELCHIOR: Chuck, do you want to have a

1 conference call with the agencies after a reasonable
2 time to review it?

3 ROBLES: I think so.

4 BURIL: In fact, the reason I picked that
5 three-week time frame is we should be coming up real
6 close to the May conference call by that time.

7 NAKASHIMA: That's the following day, May 2nd.
8 We may need a little more time than one day to look
9 at the schedule.

10 BURIL: Would you like to reschedule that
11 conference call, then?

12 BISHOP: Yes.

13 LOWE: I'm going to be on annual leave May 6th
14 through 17th. I know Jon has a tricky schedule in
15 May, too.

16 BURIL: That would put us into, say, May 20th?

17 ROBLES: May 16th?

18 BURIL: She's gone.

19 ROBLES: May 20th is correct.

20 LOWE: Are you available on the 20th, Jon?

21 BISHOP: May 20th? Yes.

22 NAKASHIMA: I'm not available on the 20th.

23 BISHOP: But I'm also available on the 21st.

24 NAKASHIMA: 21st.

25 ROBLES: Let's make it the 21st, then.

1 LOWE: Is that going to be too late for you
2 guys? Do we want to try and do it early May?

3 BURIL: I have an unfortunate requirement that
4 this needs to be taken to outside counsel. So I
5 have no choice.

6 LOWE: Knowing that we didn't make any changes
7 in this first part of the schedule, is there no
8 urgency to resolve this extremely quickly?

9 BURIL: I guess the only thing that I'm
10 concerned with in terms of the schedule and being
11 resolved quickly is, one, I've got an obligation to
12 NASA to tell them how much money I'm going to be
13 spending when. We're at midyear review right now.
14 I'm being asked to plan out to the year 2001. This
15 schedule would drive a large part of my funding
16 consideration. So for me to be timely to NASA's
17 concerns I need to get this resolved as rapidly as I
18 can.

19 ROBLES: We've received the federal plan for
20 A106s. It's a system that is used in federal
21 government where it goes to EPA to identify what
22 environmental funds we have asked Congress to do.
23 For our system we go through Congressional review,
24 but then through EPA, the A106s, they come back and
25 match the requirements. So when Congress says "Is

1 this a valid item," EPA says "Yes, we approve it."
2 The A106 process is going to be, in NASA and DOD,
3 the guiding funding document in the near future. So
4 that we will do away, hopefully, with that
5 Congressional process and just stick to A106s as the
6 environmental requirements.

7 BISHOP: The meeting that was originally planned
8 for early May was to look at the amendment. Right?
9 Is that correct?

10 BURIL: That was just our regular scheduled
11 conference call.

12 LOWE: The first Thursday of every month we're
13 supposed to do that.

14 BISHOP: That I just keep missing. That's
15 right. Got it. Now I know why I'm confused.

16 LOWE: So will the 21st of May be too late for
17 you, Chuck?

18 BURIL: It's not too late for me. It may be too
19 late for NASA.

20 ROBLES: No.

21 LOWE: Okay. Somebody pick a time.

22 BURIL: 10:00 A.M.

23 LOWE: Is that okay with you guys?

24 NAKASHIMA: Yes.

25 BURIL: That's a Tuesday.

1 LOWE: Do we have any issues that we'll need to
2 discuss on May 2nd, or should we cancel that regular
3 one?

4 BURIL: Why don't we cancel it. I don't think
5 there will be anything that we aren't going to be
6 able to discuss here that would be at issue between
7 now and then.

8 Could I ask one favor, though? Can we
9 change the time to 1:00 o'clock? That way I don't
10 have to tell my boss I can't go to a staff meeting.

11 LOWE: All right.

12 ROBLES: 21st at 1:00 o'clock?

13 BURIL: 21st at 1:00 o'clock.

14 NAKASHIMA: I was wondering, can we hold this
15 Thursday, May 2nd, open for the risk assessment
16 conference call that we're supposed to schedule?

17 BURIL: Guys?

18 MELCHIOR: I didn't hear. I was trying to get
19 my schedule.

20 BURIL: Let us check. I would like to have
21 Foster Wheeler's people there.

22 LOWE: I'll have to talk to Dan, too.

23 BURIL: Why don't we check that, then, rather
24 than canceling the May 2nd completely. Jon, your
25 organization wouldn't have a --

1 BISHOP: Right. I wouldn't be there anyway.
2 That's good because I'm going to be out of town.

3 BURIL: Let's hold that open for the time being
4 and let's see if we can get all the risk assessors
5 together for a conference call on the 2nd.

6 The issues to be discussed at that time
7 would include?

8 ROBLES: What?

9 NAKASHIMA: That would be discussing the
10 different requirements that the State would need in
11 addition to what the EPA requires.

12 BURIL: That would be extremely helpful to us.

13 ROBLES: That would be good.

14 LOWE: The other issue related to the conference
15 call we've talked about is taking a look at the
16 compilation of groundwater data and looking at how
17 to incorporate that data set to the risk assessment.
18 We kind of talked about doing that and never got to
19 it.

20 ROBLES: That's a good point.

21 BURIL: We might as well do it now because we're
22 at the beginnings of this whole process.

23 ROBLES: Sure.

24 MELCHIOR: That's at 10:00 o'clock?

25 BURIL: 10:00 o'clock on May 2nd.

1 NIOU: Risk assessment.

2 BURIL: That's the risk assessment issues that
3 we'll discuss at that time.

4 CUTLER: That's assuming Debbie can get Dan.

5 BURIL: That's assuming everyone can make it
6 that needs to make it.

7 LOWE: Right. So I'll call you.

8 BURIL: Great.

9 I think we just covered one of the other
10 points, didn't we?

11 LOWE: Yes, we did.

12 BURIL: Are we done with the schedule part of
13 this, then? I've got a commitment out there for
14 three weeks to get it back to you and we'll go from
15 there.

16 I don't know when we'll be able to
17 respond, but we'll also look at the issue of the
18 EECAs and the time frames of those.

19 LOWE: I guess if you could have something to us
20 before the 21st of May, that would be great.

21 BURIL: We'll try. I can't guarantee that
22 because I don't know what it's going to mean in
23 terms of the procurement issues. I've got to check
24 on that.

25 And you got to check on that, too.

1 ROBLES: Right.

2 BURIL: I guess we're up to a couple of the
3 other points that you wanted to discuss, Debbie. I
4 know one of them was the availability of documents
5 and so forth.

6 LOWE: Right.

7 BURIL: Do you want to talk about that now?

8 LOWE: Sure.

9 I guess we had an issue with someone from
10 the public requesting documents from me, and I've
11 generally referred those requests to NASA.

12 ROBLES: Right.

13 LOWE: NASA and EPA generally have the same
14 requirements for releasability of documents that's
15 covered under FOIA, but I understand that the State
16 has very different regulations which govern
17 releasability of documents. In the situation where
18 you received a request for a document that's not
19 currently in the information repositories, how would
20 you guys respond to that?

21 BISHOP: If we receive a document, it becomes
22 public unless it's been specifically requested to be
23 enforcement confidential or business confidential.

24 BURIL: Can you describe the meaning of those
25 two terms?

1 BISHOP: Enforcement confidential means that we
2 are considering an enforcement action on this site
3 or another agency is considering enforcement action
4 and this could jeopardize their enforcement action
5 at this time. That's essentially what it means. I
6 don't have the legal definition.

7 BURIL: That's fine. That's good.

8 ROBLES: That's good.

9 BISHOP: Business confidential means there's
10 something in that document that they think would
11 give them advantage if a competitor saw it.
12 Sometimes we get that for chemical use information
13 because it's the quantity of stuff they order. But
14 besides that, essentially anything that we receive
15 is available for public looking at, for public
16 review.

17 We got this. This is draft. It's marked
18 "draft." It doesn't bind anyone to this schedule,
19 but if somebody said "I know you've got a draft
20 schedule" or "I want to see your JPL files," is
21 really what it would be, this would be included.

22 BURIL: So there's no exclusion for work in
23 progress availability to the general public?

24 BISHOP: I don't believe that there is. I mean,
25 when we're in --

1 ROBLES: There is no California FOIA?

2 BISHOP: No.

3 NAKASHIMA: We have something similar to that.
4 It's patterned after the FOIA, but it has to be
5 identified by the agency or by the facility as being
6 confidential, and then what you have to do is you
7 have to identify to us what portion meets the
8 requirement of being privileged.

9 BURIL: Are Jon's indications as being
10 privileged the only two that are available?

11 LOWE: It seems like there's other requirements
12 under the FFA about releasability of documents that
13 the State would be bound to.

14 NAKASHIMA: Draft documents would not be
15 released, only the finals, for our department.

16 ROBLES: Our biggest concern is we have somebody
17 out there who hasn't said who they represent.

18 NAKASHIMA: So if you could identify for us when
19 you send us letters and documents which ones are
20 privileged, and then also provide a rationale as to
21 why.

22 ROBLES: Justification.

23 NAKASHIMA: Right. Otherwise, we can't keep it
24 from the public. That's a requirement on our part.

25 ROBLES: We looked at the federal FOIA and it

1 says work in progress, because that was the biggest
2 concern, is giving out information that would impede
3 the work in progress. That is where our concern is.
4 Because this person is asking for drafts, notes,
5 memos, anything.

6 NAKASHIMA: Notes and memos are privileged. But
7 draft documents, I usually do not send the draft
8 documents, like work plans, to the file room. So
9 anything that goes into our file room, like letters
10 from NASA or from JPL, will go to our file room.
11 Anything in the file room is public unless you
12 identify it as being privileged.

13 BISHOP: I can probably check because the slight
14 difference here is that we have an agreement with
15 the FFA that all of us as agencies are working
16 together on this project. It may be that we can say
17 that until it's actually gone through agency review
18 and comments are incorporated that it's still in
19 progress and it doesn't have to be released. But
20 I'm not sure that's correct.

21 BURIL: Could you check on that for us, Jon?
22 That would be helpful.

23 BISHOP: I know we're supposed to keep all the
24 comment information as part of the record. But I
25 could check with our lawyer on that because it's not

1 a usual situation for us.

2 ROBLES: See, other people have asked for
3 information, but they were up front and said who
4 they supported. From that, that gives us an
5 indication what they're looking for.

6 LOWE: That's kind of a non-issue when you're
7 looking at FOIA regs. It doesn't really matter what
8 the person wants out of it.

9 ROBLES: That's true.

10 LOWE: You have to look at whether the document
11 itself is releasable under FOIA.

12 Jon, what you want to have your attorney
13 look at is Section 23.2 of the FFA. It says
14 "Records or documents identified by the originating
15 party as confidential pursuant to other
16 non-disclosure provisions of the FOIA or pursuant to
17 State law shall be released to the requesting party
18 provided that the requesting party," meaning the
19 State, "states in writing that it will not release
20 the record or document to the public without prior
21 approval of the originating party," et cetera,
22 et cetera.

23 So it sounds like if NASA sends you a
24 document and says "We think this is nonreleasable
25 under FOIA because of these reasons," that you're

1 required by the FFA not to release it.

2 BISHOP: I don't think we'll have a problem with
3 that as long as I clear up with the FFA it puts us
4 in the same kind of --

5 BURIL: It's a superseding situation.

6 BISHOP: -- situation we are, like cooperative
7 agreement with EPA. When EPA sends us what they
8 mark as enforcement confidential and says "We're
9 giving you this because we're agency review," and
10 then we can keep that aside. So I'm pretty sure,
11 since we have that in the FFA and our lawyer was one
12 of the people that worked on that, that it's
13 probably okay.

14 But let me check.

15 ROBLES: Have you received another request from
16 them?

17 LOWE: No. But I think one thing NASA needs to
18 be more careful about is identifying in your cover
19 letters documents that you don't want released.

20 BURIL: I have never encountered this in going
21 on 20 years of experience.

22 ROBLES: Neither have I.

23 BURIL: It seems really kind of weird, but
24 nonetheless, the way it's set up, we understand your
25 concern. We can certainly put the statement in the

1 cover letter saying please don't release it,
2 basically.

3 ROBLES: We just can't arbitrarily do that.

4 BURIL: We have to give it consideration whether
5 there's a jeopardy.

6 ROBLES: That's why I'm abhorred to do that.
7 I've never done anything like that.

8 BURIL: But if it's going to jeopardize
9 something.

10 ROBLES: Debbie is right. We can't discuss, or
11 it's immaterial what the purpose of the request is.
12 See, that's the problem.

13 BURIL: All we need to do is identify that it
14 poses potential jeopardy to an action of the
15 government, period.

16 LOWE: I realize it would be difficult to look
17 at every document and have your attorney make a
18 complicated determination about whether or not
19 that's releasable under FOIA. So what I think you
20 should do is identify a document as having potential
21 releasability issues under FOIA, and that way if we
22 do get a specific FOIA request for that, it's
23 flagged and we'll bring that to your attention. At
24 that time you have to make a determination about
25 releasability.

1 BURIL: That's a pretty good idea.

2 ROBLES: That's good.

3 BISHOP: I also would think real seriously about
4 is there anything in these drafts that really would
5 cause a problem for you to be released before you
6 start this process.

7 ROBLES: That's true.

8 BISHOP: Because it's much better for public
9 opinion and everything just to give them the drafts.

10 ROBLES: I always thought, though, and correct
11 me if I'm wrong, that because of the administrative
12 record, that is really the only thing that the
13 public can ask for.

14 LOWE: You know, things have changed a lot with
15 base closure and having establishment of restoration
16 advisory boards. Now it's very common that at the
17 same time the draft documents go to the regulators
18 they go to the RAD and they get a chance to review
19 it provide early comments on it. So our whole
20 concept about releasability of documents has
21 changed. We're trying to bring communities in
22 earlier to get their input.

23 ROBLES: That's true.

24 BURIL: We'll handle it.

25 BISHOP: Take a look at it. I will talk to my

1 lawyer about it and you guys think about it. I've
2 really not seen in any of the things except when
3 we're discussing who we are going to name in PRP
4 type situations where there is some issue about
5 these technical documents that would slow things
6 down or cause a problem.

7 ROBLES: I'd give anybody any piece of document
8 as long as they're up front, says "I represent
9 so-and-so. I want all your documents."

10 That's fine. I can handle that because
11 then I know who I'm dealing with and I can almost
12 surmise what their position is and say "Here, take
13 it." I don't want anything to happen. Again, it's
14 immaterial when they just say, "I just want the
15 documents" and that's it.

16 BISHOP: We get that all the time. "I represent
17 this law firm," and that's it. That's all they're
18 going to tell you. And that's fine. That's what
19 they do.

20 BURIL: We'll look at it. That was a good
21 suggestion, Debbie.

22 ROBLES: Thank you. That helps us out.

23 BURIL: We have the risk assessment.

24 LOWE: The last issue that I had that I wanted
25 to throw out, I thought I was going to have

1 something to hand out today, but I don't, is that we
2 just got through a long informal dispute at my other
3 site, Mather Air Force Base. The issues I think are
4 very relevant to all federal facilities. There were
5 three major issues.

6 One was how do you determine when an SVE
7 system is done and you've got the soil cleanup
8 levels.

9 ROBLES: Very good.

10 LOWE: That has to do with State ARARs based on
11 antidegradation of groundwater, which sometimes
12 affect soils also.

13 The second issue was what triggers an SVE,
14 what soil gas concentrations would trigger actually
15 installing an SVE system.

16 The third issue had to do with off-base
17 water supply. There was a well off base of Mather
18 that was impacted above the detection limits but
19 well below MCLs. The State really wanted to see
20 something in the ROD that addressed that.

21 So after a two-month informal dispute
22 process, which was almost a formal dispute because
23 we had the DRC members, which is the first level of
24 formal dispute, involved in this, everybody didn't
25 want to see this be a formal dispute, so a formal

1 dispute was never invoked. But we do have
2 resolution out of this. I was trying to get a copy
3 of that to hand out today.

4 BURIL: Can you divulge what the outcome of each
5 of those topics was?

6 LOWE: It was very complicated. It was started
7 with the Air Force wanting a certain standard, the
8 State coming in with a counterproposal. What we
9 ended up with is kind of a hybrid of those two.

10 The biggest issue was in determining your
11 soil cleanup standard. The Air Force wanted to do
12 modeling of the vadose zone and then plug that
13 leachate value, that output from the vadose zone
14 into the groundwater and look at the effects in the
15 groundwater. The State was really pushing for
16 either looking at the leachate value to be at the
17 MCLs or a commitment --

18 BURIL: Just an assumption it would be at that
19 level?

20 ROBLES: Driving it to that.

21 LOWE: Your model predicted leachate to be at
22 MCLs.

23 BISHOP: At the interface?

24 LOWE: At the interface.

25 BISHOP: So you're not bringing the interface,

1 that water that's in contact with the soil, above
2 MCL. Is that right?

3 LOWE: Yes.

4 They also pushed citing State Water Board
5 Resolution 9249 as driving it, that you would run
6 your SVE system to its technical and economic limits
7 regardless of whether there was still an impact to
8 groundwater. So you would pump it until you can't
9 get anything else out.

10 Those were kind of the issues that we were
11 struggling with.

12 BURIL: What was the outcome of that one?

13 LOWE: It's a hybrid. I don't think that you
14 guys need to know right now what that is.

15 ROBLES: Personally, this is not talking for JPL
16 or for the contractor; my personal.

17 The first two issues that you talked
18 about, I've always felt that if there's going to be
19 a dispute resolution it has to be on an
20 administrative or a philosophical. On a technical
21 merit I've never been in a site with the potential
22 for a dispute on technical merit. Because I've
23 always felt, you tell us, we look at it and we deal
24 with it. I don't like floating numbers because it
25 has tremendous negative impact to the public's

1 perception that you're really not addressing the
2 health risk issue.

3 Even though we can argue what is the
4 proper MCL level, if you state this is what we're
5 going to go to, this is what we're going to go to,
6 then they feel more confident. When you start
7 talking hybrids, they're saying "Well, you're not
8 meeting the MCL levels."

9 LOWE: What we ended up with out of this dispute
10 resolution was a narrative standard. I think unless
11 you're going to use a screening level, like the L.A.
12 Water Board has come up with with their attenuation
13 factor method.

14 BURIL: Is that a statewide thing or only L.A.
15 County?

16 BISHOP: We just devised it really for our use
17 in the Superfund process, is where it started so
18 that we had something that we could make judgments
19 on and say we've got something that we can at least
20 feel comfortable with defending. It's been now
21 incorporated to all of L.A. Regional Board. Some
22 other regional boards are using it informally.

23 BURIL: Is it a promulgated guidance in any way
24 in the L.A. Region?

25 BISHOP: No.

1 ROBLES: This bothers me, because it
2 tremendously conflicts with the ARARs process in the
3 sense you're deciding on what you're going to work
4 to.

5 LOWE: There's also major differences between
6 the military and EPA and the State about
7 interpretation of ARARs. The approach at Mather was
8 if we can come to technical agreement about what the
9 cleanup level should be, that the ROD would include
10 language saying we agree to disagree about whether
11 9249 is an ARAR. We've done that in a lot of RODs.

12 ROBLES: You know why they do that is because of
13 the cost. If you clean up to an ARAR you clean up
14 forever. You keep that system on forever and
15 there's no benefit.

16 BURIL: Your discussion of degradation of
17 resource, that's a little worrisome to me because if
18 that became an issue in our situation, we could be
19 there a very long time.

20 BISHOP: This is why this comes up, because the
21 State Board's nondegradation policy says you will
22 not degrade at all. I mean, you will not degrade
23 the waters of the state.

24 So what we're trying to do is say okay,
25 this is where -- because if we take that very

1 technically and say okay, that means you --

2 ROBLES: Cannot --

3 BISHOP: -- coming from the soil into the
4 groundwater, period.

5 BURIL: It's pristine forever.

6 BISHOP: Or you will not make it worse. You may
7 have already done it, but you can't continue to do
8 it once you identify it.

9 Well, we're trying to modify the approach
10 to that to be more reasonable, at least in L.A.
11 Board. But that is the standard. If you're saying,
12 well, this is an ARAR and this is what we're going
13 to meet, then you can get in a difficult situation.

14 LOWE: I don't think it's something that you
15 guys should spend too much time thinking about
16 because your RODs are pretty far off. What is it,
17 three years or so now.

18 BURIL: The only thing that would make me only
19 slightly uneasy, and I'm not even sure on that, is
20 the idea where we would be in an EECA situation.

21 ROBLES: An EECA is a whole different thing.

22 BISHOP: You're not trying to address a final
23 standard cleanup with that. You're just trying to
24 put in some removal.

25 ROBLES: Right. I think we do need to think

1 about it from that standpoint. I know our NASA
2 position has always been that we want standards. We
3 want to know what we want to clean up to.

4 If it means that we've got to keep this
5 thing running forever, then we look at the
6 engineering evaluation of that and make a
7 determination what is the best bang for the buck,
8 and we negotiate from that standpoint.

9 It comes down to money. We want to
10 discuss money issues, not technical standard.

11 BURIL: Feasibility and merit.

12 ROBLES: Because we've learned the hard way from
13 looking at DOD and others, and I know why. There's
14 an infinite black hole they're going to keep pouring
15 money down without fighting these standards. Our
16 position has always been that our sites and our
17 centers are usually in metropolitan areas, whereas
18 the Air Force and the Army, they're in the boonies.

19 So it's not prudent for us. We've already
20 looked at it. It's not prudent for us to try to
21 change from a standard. The fact is we've looked at
22 the impact and we have a standard now that the state
23 and the feds change and make it lower. How are we
24 going to address that issue? You've got to address
25 it. So therefore, we've got to address the public's

1 concern.

2 I don't think you're going to see from us
3 a dispute on that issue. I think it's mostly going
4 to be monetary. That's where it is. Because we
5 don't want to get into working out a -- conceivably,
6 let's say as a hypothetical, every center has a
7 Superfund site on it and we have 12 different
8 standards to clean up to? The agency couldn't
9 handle that. We couldn't stand public scrutiny.
10 We're very open with the public. So I don't think
11 you'll ever see us arguing the standard. You just
12 tell us what it is. We'll tell you how much money
13 we can put to it.

14 LOWE: The problem is a lot of these ARARs are
15 narrative and it's very complicated to determine
16 what that means for each site.

17 ROBLES: True.

18 LOWE: What it means in terms of numbers. I
19 think with every ROD that we sign we get a little
20 further to understanding that. There's also a work
21 group that has been formed with the Army, the Navy,
22 the Air Force, the State Board, the Central Valley
23 Regional Board and EPA.

24 ROBLES: Working out of the Air Force regional
25 center?

1 LOWE: No. Actually, the contact is someone
2 here in San Francisco, Rod Witten. He has an
3 attorney.

4 BURIL: As information becomes available on
5 that, we appreciate seeing it.

6 LOWE: Any guidance that comes out of that group
7 I will be feeding to you guys at further RPM
8 meetings. Like I say, I will give you a copy of the
9 Mather resolution. I just couldn't put my hands on
10 it today.

11 BURIL: Whenever you have a chance, that would
12 be fine.

13 LOWE: I don't think there's a burning need for
14 you to know.

15 ROBLES: I just tell you from our standpoint,
16 I've already talked with headquarters. If I ever
17 come back and say I want to argue cleanup standards,
18 they're going to say "Do you want to stay alive? Do
19 you want your job?" Because they won't consider
20 that. I mean, they're that serious about it. They
21 say "You can't argue that, Peter. The thing you can
22 argue is the administrative and concept and
23 philosophy, but not standards."

24 BURIL: If we've got a standard that's provided
25 that we can justify --

1 BURIL: It really comes down to, though, it's
2 more philosophical. How you would interpret those
3 narrative standards and come up with a cleanup or
4 goal or whatever it is because it's usually not as
5 easy as "Okay, we've got MCL."

6 ROBLES: Would you consider, Debbie, in the
7 foreseeable future we may just have to sit down and
8 discuss this?

9 LOWE: It wouldn't come up until prior to your
10 feasibility study you're going to want to do an
11 ARARs solicitation.

12 BURIL: We've already done part of that.

13 LOWE: After that we may need to start talking
14 about interpretation. Honestly, I think that at
15 this site it will probably not be a problem at all
16 because the Regional Boards are very different. And
17 typically we, EPA, have fundamental disagreements
18 with the Central Valley Regional Board about how
19 cleanup centers should be set. I know Region 9 has
20 worked with Jon on the San Gabriel and the San
21 Fernando sites a lot. I don't think there have been
22 those same kinds of philosophical differences.

23 BURIL: Central Valley has got a lot of
24 interesting problems.

25 LOWE: I just wanted to make you guys aware of

1 these things that are going on. I'll try and keep
2 you up to date.

3 BURIL: We appreciate that very much.

4 LOWE: I don't mean to scare you.

5 ROBLES: Nothing scares us.

6 BURIL: I've given up being scared.

7 LOWE: Those are all the things I wanted to
8 bring up. I don't know if Penny or Jon, anybody
9 else has something.

10 I guess we need to schedule another
11 meeting.

12 BURIL: Let me just toss a couple of
13 administrative things on the table here.

14 We've got our previous RPM meeting minutes
15 that we need to formally identify as being approved.

16 Has anybody got anything from those
17 meeting minutes they want to bring up as concerns,
18 changes, anything of that nature?

19 BISHOP: I'm sorry. I must have missed them.

20 BURIL: You haven't seen them?

21 BISHOP: I'm sure we did.

22 LOWE: We did.

23 BISHOP: I probably looked at them and I just
24 don't even remember it now. Was it a while ago?

25 BURIL: About two months.

1 BURIL: Not hearing any concerns, then, we'll
2 consider the preceding meeting minutes final.

3 I have in my attache' case here the action
4 items from the last meeting. Let me pull those out
5 rapidly and go through them and make sure that we've
6 sufficiently dealt with those and we can say that we
7 are done.

8 LOWE: I remember, Peter, that you had asked me
9 a while ago about a work group that EPA and DTSC had
10 put together to try and resolve risk assessment
11 issues. I remember talking to Dan about that, and I
12 think the best thing to do is to make sure we talk
13 about that on the next risk assessment conference
14 call. Otherwise, things get lost in conversation.

15 ROBLES: Sure. I had remembered the State was
16 trying to consolidate all of the regulatory agencies
17 within the State of California to determine one risk
18 assessment process so that it could be consistent.
19 Now, understanding there are different medias and
20 for different purposes, but that there will be
21 consistencies. There was a site, I don't recall
22 where, where there was a conflict from biological to
23 other issues. They wanted to resolve those
24 inconsistencies.

25 Then my concern is that it matches what

1 you guys want. We'll deal with what you need within
2 limits, but we want to speak from the same music
3 sheet.

4 LOWE: Right.

5 BURIL: From the last meeting we had the
6 following actions: That JPL/NASA was going to come
7 up with a more cohesive way to present data on maps,
8 for example, blowing up a section of the map and
9 showing our locations.

10 I guess I'm not sure that we've done that
11 at this juncture. Is that something you folks still
12 need?

13 LOWE: Was that something we requested pre-RI?

14 BISHOP: No. It's part of the RI, that when you
15 look at the areas you're going to put all that data
16 together, when you're talking about this area up
17 here, you don't have a map --

18 BURIL: You don't have little arrow points and
19 pin dots.

20 BISHOP: This is just too small. So if you want
21 to talk about this area here, you blow that up and
22 then you could see all the information.

23 BURIL: That would be done in the RI.

24 BISHOP: Right. It was for the RI.

25 BURIL: Good. I just wanted to be sure we got

1 that.

2 We were talking about the sampling in the
3 pits for OU-2 out in the Arroyo, that we would
4 sample for VOAs and semi-VOAs, chrome and hex
5 chrome, but not for TPH, which I think we got all
6 that straightened out.

7 The long-term monitoring, we need to build
8 in the matrix spike and matrix spike duplicates for
9 EPA Method 524.2. There was a question we had on
10 that for you, and that was at what frequency.

11 LOWE: 1 in 20.

12 BURIL: Did that already get answered, Mark?

13 CUTLER: Yes.

14 BURIL: As I asked the question I remember I
15 told Mark go ahead and call Debbie, find out what
16 you want. Okay. One in 20.

17 We were going to look at the possibility
18 of retaining cores from the wells that we drill. So
19 we'll be looking at that and getting back with you
20 when we get into this.

21 We were going to reschedule a phone
22 conference with the toxicologists. Sounds like
23 we've got May 2nd at 10:00 o'clock as the date to do
24 that, providing everyone is available.

25 We've got the monthly phone conference

1 set.

2 We have approved the last meeting's
3 minutes.

4 That is all the actions from last time.

5 Do we have anything else we want to throw
6 on the table?

7 NIOU: Can I make a very short suggestion. Can
8 you have a table at the end showing the action
9 items, who is supposed to do what?

10 BURIL: Let me take a look, see how we can maybe
11 do that. That might be really helpful, instead of
12 having to peel through this.

13 I'll mention to everybody, if you are
14 looking for something specific that might have been
15 said, the back part of this is an index of virtually
16 every word that was spoken and it gives the location
17 that it was spoken.

18 Anything else anyone wants to put on the
19 table, then?

20 LOWE: The next meeting date.

21 BURIL: We're looking at, by FFA requirements,
22 July time frame for a face-to-face. This is in
23 addition, obviously, to our monthly phone
24 conferences.

25 Today is the 11th?

1 RANDOLPH: Right.

2 BURIL: I would suggest that we look at the week
3 of July 8th or 15th, try and keep on the same time
4 frame.

5 ROBLES: Week of the 8th.

6 MELCHIOR: The week of the 8th.

7 LOWE: Are there any documents coming out that
8 we would want to -- I guess the only documents would
9 be the addendum. Do we want to try and schedule the
10 RPM meeting soon after our comments are due on that?

11 BURIL: Let's look at that schedule here. It
12 would be a lot sooner than July.

13 LOWE: Or do we want to try and do that through
14 a conference call?

15 BURIL: In fact, I think that's what we talked
16 about for the 21st, wasn't it?

17 ROBLES: Yes. The 21st. Remember?

18 LOWE: I thought the 21st was just to talk about
19 the schedule, not to talk about the addendum.

20 ROBLES: Right.

21 BURIL: I'm sorry.

22 ROBLES: If we're going to do that we need
23 another teleconference.

24 BISHOP: It looks like the final, unless this is
25 going to get slightly changed on here, June 14th is

1 when amendments for work plan to the agencies. Is
2 that correct?

3 BURIL: Right. That's what is scheduled as of
4 right now.

5 You folks will get them May 10th.

6 BISHOP: Excuse me. I missed. We got our
7 review. May 10th. So it will be the first one in
8 June.

9 BURIL: If we touch base, say, the first part of
10 June. Maybe at our regular June teleconference and
11 discuss the actual comments that you have for the
12 addenda. Then we can take a look there. If there's
13 anything that falls from that, we could pick it up
14 in July at the face-to-face.

15 LOWE: All right.

16 ROBLES: When do we want to meet in July?

17 BURIL: Sometime the week of the 8th. The week
18 previous is Fourth of July week. I know a lot of
19 people may be going on vacation, like me.

20 MELCHIOR: The 10th.

21 ROBLES: Make it Wednesday, the 10th? That
22 would be perfect.

23 MELCHIOR: Yes.

24 BISHOP: Fine with me.

25 BURIL: Penny, is the 10th all right with you?

1 NAKASHIMA: The 10th is fine.

2 BURIL: Again at JPL?

3 LOWE: Sure. I'll come down.

4 BURIL: At JPL. Is 9:00 A.M. too early, too
5 late for you, Debbie, to travel?

6 LOWE: Probably fine.

7 BURIL: So let's make it at 9:00 A.M.

8 I guess we're adjourned.

9 (The proceedings adjourned at 11:32 A.M.)

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